86 1988

No.

Supreme Court, U.S.
FILED
MAY 29 1987
JOSEPH F. SPANIOL, JR.
CLERK

In the

Supreme Court of the United States

OCTOBER TERM, 1987

ROSEE TORRES,

Petitioner,

v.

STATE BOARD OF LAW EXAMINERS
OF THE STATE OF ILLINOIS,
and
AMERICAN BAR ASSOCIATION,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT FROM THE SUPREME COURT OF THE STATE OF ILLINOIS

ORAL ARGUMENT REQUESTED

ROSEE TORRES
PRO SE
201 North Wells Street
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Chicago, Illinois 60606
(312) 263-0757

Legal Secretarial Services, Ltd. (312) 263-0757

50 pp

QUESTIONS PRESENTED FOR REVIEW

I.

Whether arbitrary denial of non-ABA approved, State accredited law school graduates in favor of comparable non-ABA approved, foreign State accredited law schools to sit for the State bar examination constitutes a violation of the Privileges and Immunities clause of the Fourteenth Amendment of the U.S. Constitution?

II.

Whether arbitrary denial of non-ABA approved, State accredited law school graduates in favor of comparable non-ABA approved foreign state accredited law schools to sit for the State bar examination constitutes a violation of the Comity clause of the Fourteenth Amendment of the U.S. Constitution?

III.

Whether arbitrary denial of non-ABA approved, State accredited law school graduates in favor of comparable non-ABA approved foreign State accredited law schools without evidentiary hearing on applicants seeking permission to sit for the State bar examination constitutes a violation of the procedural Due Process clause of the Fourteenth Amendment of the U.S. Constitution?

IV.

Whether arbitrary denial of non-ABA approved, State accredited law school graduates in favor of comparable non-ABA approved foreign State accredited law schools to sit for the State bar examination constitutes a violation of the Equal Protection clause of the Fourteenth Amendment of the U.S. Constitution?

Whether arbitrary denial of non-ABA approved, State accredited minority law school graduates in favor of comparable non-ABA approved non-minority law schools to sit for the State bar examination constitutes a violation of the Equal Protection clause of the Fourteenth Amendment of the U.S. Constitution?

VI.

Whether Title VII appliés to discriminatory practices in bar examination testings?

VII.

Whether arbitrary denial of non-ABA approved, State accredited minority law schools and graduates in favor of comparable non-ABA approved, foreign non-minority law schools and graduates to sit for the State bar examination constitutes a violation of the substantive Due Process clause of the Fourteenth Amendment of the U.S. Constitution?

VIII.

Whether change in law in 1984 should apply to non-ABA approved law school applicants enrolled after date of effective law or students enrolled in such schools prior to said law to assure students equal protection of rights?

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

No.

ROSEE TORRES,

Petitioner,

v.

STATE BOARD OF LAW EXAMINERS
OF THE STATE OF ILLINOIS,

and

AMERICAN BAR ASSOCIATION,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT FROM THE SUPREME COURT OF THE STATE OF ILLINOIS

Petitioner, ROSEE TORRES, respectfully prays that a Writ of Certiorari issue to review the Order of March 24, 1987 of the Supreme Court of the State of Illinois denying Petitioner's Petition for Rehearing and Appeal of the Respondents' and Supreme Court of the State of Illinois' ruling in case number 4149 requesting waiver of Supreme Court Rule 703(b), and granting Petitioner, a minority graduate of a minority-oriented, non-ABA approved State accredited law school, permission to sit for the State Bar Examination as afforded to non-minority law school graduates from foreign and non-minority State accredited, non-ABA appproved law schools.

OPINIONS BELOW

The letter decision by the State of Illinois State Board of Law Examiners refusing Petitioner's application to sit for the Illinois Bar Examination based on Petitioner's graduation from a non-ABA accredited law school is reprinted in the Appendix hereto at page A-1.

The Order by the Supreme Court of Illinois affirming the State Board of Law Examiner's decision and denying Petitioner's request for a waiver of Illinois Supreme Court Rule 703(b) is reprinted in the Appendix hereto at page A-2.

The Order by the Supreme Court of Illinois denying Petitioner's request for a rehearing on the State Board of Law Examiner's and the Supreme Court's prior decisions is reprinted in the Appendix hereto at page A-2.

JURISDICTION

The final order by the Supreme Court of the State of Illinois was entered on March 24, 1987, as reprinted in the Appendix, page A-2. Within sixty (60) days of this Order, Petitioner files a Writ for Certiorari in the United States Supreme Court for review, jurisdiction invoked pursuant to 28 U.S.C., Section 2101(c).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Section 1 of the Fourteenth Amendment of the United States Constitution provides in relevant part:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.

Relevant portions of Title VII of the Civil Rights Act of 1964.

STATEMENT OF THE CASE

This case involves questions as to whether Petitioner was denied constitutionally guaranteed rights under the Due Process and Equal Protection clauses of the United States Constitution, and various portions of the Civil Rights Act of 1964, when the Respondents and the Supreme Court of Illinois denied her application to write the Illinois bar examination and her Petition for a waiver of Supreme Court Rule 703(b), which requires applicants to the Illinois Bar to have graduated from an ABA-approved law school. Petitioner points out that at no time during the application to the law school and attendance thereof are there any guidelines or standards followed by the Respondents as to law school students and applicants availing themselves with respect to preparing for the Illinois Bar except on cases precedent and Supreme Court rulings thereof, which Petitioner has relied on throughout.

Petitioner further contends that after complying with all State requirements and precedents, which is referred to later in this Statement, and having availed herself to the Supreme Court of Illinois for the purpose of obtaining a waiver of Supreme Court Rule 703(b) through a proper hearing, she was not granted this hearing or ever granted a day in court during the entire proceedings. Petitioner is unable to seek redress from the American Bar Association since it is a private organization with no power or authority legislated by the State other than the Respondent State Board of Law Examiners and the Supreme Court's practice of delegating authority to the American Bar Association in setting standards and guidelines for state law schools and applying those recommendations where applicable (Exhibit 3), which Petitioner contends are inconsistent and not impartial when race and/or ethnic/minority is at issue in making a decision as to whom to grant or withhold waivers to Supreme Court Rule 703(b), which states:

AMENDMENT AFFECTING RULES 703(b) and 703(c) OF THE SUPREME COURT OF THE STATE OF ILLINOIS

Effective September 14, 1984, Rule 703(c) is repealed, and Rule 703(b) is revised as follows:

Rule 703(b) Educational Requirements.

(b) Legal Education. After the completion of both the preliminary and college work above set forth in paragraph (a) of this rule, each applicant shall have pursued a course of law studies and fulfilled the requirements for and received a first degree in law from a law school approved by the American Bar Association. Each applicant shall make proof that he has completed such law study and received a degree, in such manner as the Board of Law Examiners shall require.

However, for those not in compliance with the above, waivers have been granted by the Supreme Court to graduates of non-ABA approved, non-State accredited or foreign law schools as pointed out in Petitioner's Exhibits 4 through 8, from the years 1978-1981, and such practices were in effect at the time Petitioner was enrolled in law school. Petitioner contends that if Rule 703(b) should apply, it should affect law school students enrolled in non-ABA approved schools after September 14, 1984.

Petitioner, in meeting the rationale of the latter assertion, received a Juris Doctor Degree in Law from the National Conference of Black Lawyers Community College of Law, (hereinafter referred to as "NCBL") in Chicago, Illinois on May 23, 1986 after attending a five-year night course of study in law from February 1981 to May 1986 (Exhibit 9). At the time of Petitioner's enrollment and attendance and throughout graduation, NCBL was accredited to operate as a law school/institution of higher learning by the State of Illinois (Exhibits 1-2). In meeting all other requirements with respect to education, or pre-legal studies, Petitioner has complied with the State of Illinois, in that she attended and received an Associate

Degree in Business Administration and Legal Secretarial Sciences from the YMCA Community College of Law, a State of Illinois accredited institution of higher learning, in January 1971 (Exhibit 10) and a Bachelor of Arts Degree from Roosevelt University, a State of Illinois accredited institution of higher learning) in May 1979 (Exhibit 11). In addition to submitting the above exhibits to the State Board of Law Examiners and in the Petitions to the Supreme Court, Petitioner submitted supplemental exhibits of educational and employment background and qualifications, to wit: standing and employment as a court reporter in the State of Illinois and membership in the National Shorthand Reporters Association in 1972-1975, prior to college, and completion of a Spanish language public speaking course at the Instituto Gabriel Richard of Chicago, Illinois in 1982 to indicate fluency in the Spanish language. None of Petitioner's qualifications or credentials were considered or addressed by the Respondents with respect to Petitioner's application to the State Board of Law Examiners and/or the Supreme Court of Illinois petition. Therefore, no evaluation was made as to whether Petitioner was or was not qualified to sit for the bar examination.

Petitioner appeals the final decision by the State Board of Law Examiners and the Supreme Court of Illinois based on the above information, and seeks a grant from this Court of her Petition for Writ of Certiorari.

REASONS FOR GRANTING THE WRIT

I.

THE PRACTICE OF LAW AS A RIGHT OR A PRIVILEGE IS SUBJECT TO THE EQUAL PROTECTION AND DUE PROCESS CLAUSES OF THE FOURTEENTH AMENDMENT.

While the Supreme Court of the United States does not yet say that the practice of law is a right, it does say that it is subject to the due process clause of the Constitution and that makes it immaterial as to whether or not it is a privilege or a right. *Schware* v. *Board of New Mexico*, 353 U.S. 232 (1957). It goes on to say that a state cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or the Equal Protection clauses of the Fourteenth Amendment. 353 U.S. at 238-9.

Considering the above, due process and equal protection applies to admissions to the Bar, although it has been established that requiring applicants to pass the bar examination does not violate substantive due process. Further, while procedural due process is not susceptible to any precise definition, it seems clear that its fundamental requirement is notice and opportunity to be heard. *Anderson National Bank* v. *Luckett*, 321 U.S. 233 (1944); *Galvan* v. *Press*, 347 U.S. 522 (1954). Respondents' arbitrary selection of applicants to withhold or grant waivers to without legal rationale or due process and directing its methods to de facto racial discrimination in its selection methods and patterns is in violation of the Equal Protection clause of the Fourteenth Amendment. *Washington* v. *Davis*, 426 U.S. 229 (1976).

Whitfield v. *Illinois Board of Law Examiners*, 504 F. 2d 474 (1974), points out that the due process clause requires the State to employ fair procedures in processing applications. Although *Whitfield* refers to the grading process, the gist of the decision was that fairness be applied in granting the opportunity to write the bar examination. In the instant case, Petitioner contends that such fairness was not applied and procedural due process was ignored completely. With respect to substantive due process, Petitioner further contends that there was no "rational basis" for the decision of the State Board of Law Examiners/American Bar Association and the Supreme Court of Illinois denying Petitioner's petition since the denial burdens a suspect class or a fundamental right more particularly: Petitioners graduating from foreign non-ABA, non-State approved and non-minority law schools have been granted waivers of Rule 703(b) and granted permission to write the Illinois State Bar Examination. Such action is noted in Petitioner's Exhibits: Thomas C. Brandstrader, M.R. 2435 (Exhibit 4) in 1981; Mark F. Peterson, M.R. 2222 (Exhibit 5) in 1978; Roger-Whitenhill, M.R. 2335 (Exhibits 6-7) in 1978; and William Curtis Zukosky, M.R. 1921 (Exhibit 8-A) in 1978.

Petitioner further contends that if the 703(b) requirement is upheld it should be applied and effective to students/applicants newly enrolled in non-ABA approved law schools after September 1984 as decided in *Murphy* v. *Egan, et al.*, 79-2866 (PA 1979)(Exhibit 8-B).

II.

THE STATE BOARD OF LAW EXAMINERS AND SUPREME COURT DO NOT ADOPT OR APPLY AMERICAN BAR ASSOCIATION RECOMMENDATIONS CONSISTENTLY.

In a Statement of the Council, Section of Legal Education and Admissions to the Bar, American Bar Association, the Executive Committee of the Association of American Law Schools and the Board of Managers of the National Conference of Bar Examiners concerning the propriety of examination by public authority before admission to practice, the following recommendation was made in July 1971 (Exhibit 3).

> The American Bar Association is of the opinion that graduation from a law school should not confer the right of admission to the bar, and that every candidate should be subject to an examination by public authority to determine his fitness.

Although the State Board of Law Examiners enlists the services and recommendations of the American Bar Association to follow a set of standards and policies, it, however, discriminates as to which applicants it will apply the recommendations and to which applicants it will not apply the recommendations. The above recommendation was ignored by the Respondents when Petitioner's application was presented, and since due process was not afforded to Petitioner, allowing her the opportunity to present such evidence or confront the Respondents in open court or impartial hearing, her constitutional rights were violated.

In an additional statement by the Council, Respondent American Bar Association reiterates:

> It is the position of the Council and Board that the above quoted standard, adopted in 1921, is as valid today—perhaps more so with the mobility of law graduates—as it was at the time and that every applicant for admission to the bar should be subject to examination by public authority.

In a further statement, American Bar Association recommends:

> . . . Again, public authority should not dictate curriculum content but by examination should determine that the content of the applicant's education is such that upon admission he will be able to adequately serve the public. . . .

Petitioner contends that since due process was denied her, she was unable to present this recommendation to the Court or to the Respondents to determine her qualifications or submit to the State's examination. The last paragraph (no. 8) of the statement further reiterates:

> To reiterate, it is the position of the Council and the Board of Managers that there must be examination by public authority.

The State Board of Law Examiners and the Supreme Court have refused and failed to follow the recommendations of its own private organization which they have given the power and authority to set standards and guidelines, making it impossible to follow any procedures and making the entire delegation a farce.

In a December 6–7, 1980 Bar Admissions Committee Meeting by the American Bar Association, in the same Exhibit 3, Respondent states:

> WHEREAS, most state supreme courts require graduation from an ABA approved law school as a requisite for bar admission in order to assure the public that persons representing them in legal matters have received a quality legal education, and . . .

This is a clear indication that not all States require graduation of law students from an ABA approved law school, and even though Illinois acknowledges itself to be a State that does require ABA approval of law schools from which graduates will be accepted, the Supreme Court Rule 703(b) and waivers granted as set out in the Exhibits indicate that the Board of Law Examiners and Supreme Court have discretion as to whom it grants or withholds waivers. Again, Petitioner contends that the Respondents arbitrarily withhold waivers with no rationál basis, and that graduates from foreign, non-ABA approved, non-minority law schools are granted waivers while minority graduates from minority oriented State accredited law schools, as in Petitioner's case, are not afforded such waivers, with no legal basis or reason given.

Petitioner contends that such arbitrary denials and withholding of waivers across racial and/or ethnic lines as applied to law schools and law school graduates constitute a valid cause of action and an infringement on her constitutional rights; that standards, guidelines and policies implemented by the Respondents are unconstitutional if not applied equally and fairly to all applicants, minority and non-minority, from all law schools not approved by ABA, local and foreign. This is certainly not the case.

III.

THE COURT ABUSED ITS DISCRETION IN AFFIRMING A DECISION OF A STATE AGENCY WITHOUT BASING ITS DECISION ON ANY STATE RULES OF CIVIL PROCEDURE OR INHERENT AUTHORITY TO DETERMINE SUCH ORDER.

Petitioner contends that the Supreme Court erred and abused its discretion in finding a blanket order of denial without basing its decision on any State rules of civil procedure or on the Court's inherent authority to arbitrarily grant or withhold waivers to Supreme Court Rule 703(b). It has been clearly established that there are constitutional limitations upon the power of courts, even in aid of their own valid processes, to dismiss an action without affording a party the opportunity for a hearing on the merits of his cause, and Petitioner believes the Court's final judgment or order denying her petition would apply here. *Society Internationale* v. *Rogers,* 357 U.S. 197, at 209 (1958). In the instant cause, the appropriate inquiry in determining whether there has been an abuse of discretion in reviewing a case is "not how the reviewing judges would have ruled if they had been considering the case in the first place, but rather, whether any reasonable person could agree with the Supreme Court." *Deitchman* v. *E.R. Squibb & Sons, Inc.*, 740 F. 2d 556, at 563 (7th Cir. 1984). In the instant cause, a reasonable person would not anticipate appealing to the court system knowing he or she would never receive an impartial hearing, or any hearing or day in court, and any decisions entered by the Court would not be based on legal authority or the Court's inherent authority.

IV.

THE DUE PROCESS CLAUSE OF THE U.S. CONSTITUTION REQUIRES A FULL AND FAIR HEARING ON THE MERITS OF AN ACTION AND TO HAVE RETAINED COUNSEL PRESENT AT PROCEEDINGS IN WHICH ONE'S INTERESTS WILL BE ADVERSELY AFFECTED.

This case raises critical questions concerning the rights of the Petitioner under the due process clause of the United States Constitution to a full and fair hearing on the merits of this action and to have retained counsel present, if desired, at proceedings in which her interests will be adversely affected. The Petitioner was not afforded this right during any decision making or hearing before either Respondent, nor before the Supreme Court of the State of Illinois. Petitioner contends that both the Respondents and the Supreme Court of Illinois' actions were abuses of discretion in proceeding on her petitions without granting her evidentiary hearings or requiring the presence of the Petitioner or counsel during any such hearings, if there were any. The Courts have held that "the fundamental requisite of due process of law is the opportunity to be heard." *Granis* v. *Ordean,* 234 U.S. 385, at 394 (1914).

This opportunity to be heard requires, according to the Court, that a hearing must be at a "meaningful time and in a meaningful manner." *Armstrong* v. *Manzo,* 380 U.S. 545, at 552 (1965). In the case at bar, the Petitioner has been denied her due process rights to a full and fair hearing at any time on the merits, at a meaningful time and in a meaningful manner. In short, Petitioner has never had her day in court.

V.

ABA APPROVAL OF LAW SCHOOLS A RECOMMENDATION TO STATE AGENCY; VIOLATES 1964 CIVIL RIGHTS ACT IF APPLIED IN DE FACTO MANNER.

The United States Supreme Court has declined to review cases which involve attacks on the validity of the ABA approval requirement of law schools. In re *Hansen*, 275 N.W. 2d 790 (MN 1978) and *Moore* v. *Supreme Court of South Carolina*, 447 F. Supp. 527 (D.S.C. 1977), *Aff'd; Hickey* v. *District of Columbia Court of Appeals*, 457 F. Supp. 584 (D.D.C. 1978). However, it should be noted that in these attacks by Petitioners, the fairness as to how and when the ABA approval should be applied was not at issue. In this matter, it is at issue. Petitioner agrees that a state has a valid interest in the qualifications of its Bar, and finds reasonable its requirement of graduation from an accredited law school, or even that the ABA is best equipped to perform the accreditation function. However, Petitioner attacks the methods of how the waivers are applied and to whom they are granted—or withheld from—regarding applicants graduated from non-ABA approved but state accredited law schools, and why the recommendations are applied to some applicants and not to others. Petitioner contends that the State's irrational methods of selection constitute de facto discriminatory practices in which it can weed out minorities and minority-oriented law schools not yet under ABA scrutiny without regard to state agency licensing or accrediting of schools.

Petitioner contends that this has been the practice in the instant cause, and therefore de facto discriminatory practices can be and are enforced silently. The entire accrediting process of a minority-oriented law school such as NCBL would be merely a farce, since compliance with the state would mean nothing in Illinois, while out-of-state accredited law schools would be given full faith and credit under similar circumstances.

In the Fourth Circuit, the Court found that the bar examination was deemed to be sufficiently job-related to meet the rational relationship test, whereby Title VII of the Civil Rights Act applied; Petitioner contends that her opportunity to apply for this job opportu-

nity through the bar examination sufficiently meets the test. *Richardson* v. *McFadden*, 563 F. 2d 1130 (4th Cir. 1977). Petitioner is not contesting the methods of testing, however, the gist of the above matter regarding job-related rights would apply.

Washington v. *Davis* would further substantiate this ruling. Although Title VII has been held not to apply to professional licensing agencies in the Fourth Circuit, a U.S. Supreme Court ruling never took effect because the following cases were dismissed on jurisdictional grounds, however, Petitioner stresses that the privilege or right to job opportunities through licensing agencies does invoke protection from discriminatory practices under the Equal Protection clause. *Delgado* v. *McTighe*, Civil Action No. 76-1206 (E.D. PA 1977); *Woodard* v. *Virginia Board of Bar Examiners*, Civil Action No. 75-0437-R (E.D. VA, 4th Circuit).

The basic equal protection principle is that the invidious quality of a law claimed to be racially discriminatory must ultimately be traced to a racially discriminatory purpose. This purpose is the issue which Petitioner points out to the Court as to the State's method of waiving both ABA-approval of law schools and graduates in racially discriminatory manner. *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971). Again, the Equal Protection clause would apply. Petitioner here contends purposeful racial discrimination, which involves constitutional questions. *Harper, Williams* v. *District of Columbia Committee on Admission*, 375 A. 2d 25 (D.C. 1977).

CONCLUSION

For the reasons set forth hereinabove, the Petitioner respectfully requests that a Writ of Certiorari issue to review the judgment or final order of the Supreme Court of Illinois.

Respectfully submitted,

ROSEE TORRES
Pro Se

May 20, 1987

APPENDICES

A-1. Letter from State Board of Law Examiners to Rosee Torres, December 3, 1986 denial.

A-2. Order from Supreme Court of Illinois, March 24, 1987.

A-3. Letter from Supreme Court of Illinois to Rosee Torres.

A-4. Stamped, Certified Copy of Petition and Complaint to Review Administrative Decision, December 15, 1986 (cover).

A-5. Stamped, Certified Copy of Supplemental and Amended Petition and Complaint, January 2, 1987 (cover).

A-6. Letter from Supreme Court of Illinois to Rosee Torres, February 13, 1987.

A-7. Stamped, Certified Copy of Petition for Rehearing filed February 13, 1987 (cover, 1st page).

A-8. Letter from Supreme Court of Illinois to Rosee Torres.

APPENDIX 1

Members of the Board
Lee Young [illegible] President [illegible]
Stuart Lum [illegible]
Francis [illegible] Chicago
George [illegible] Harrisburg
[illegible]

Donald H Funk, Secretary
[illegible]
Springfield, Illinois 62701
Telephone [illegible]

STATE BOARD OF LAW EXAMINERS
STATE OF ILLINOIS

December 3, 1986

Ms. Rosee Torres
3430 West Beach Street
Chicago, IL 60651

Dear Ms. Torres:

We are in receipt of your application for admission to the bar of Illinois on examination pursuant to Supreme Court Rule 704.

Rule 703(b) provides that each applicant for admission to the bar of Illinois "shall have pursued a course of law studies and fulfilled the requirements for and received a first degree in law from a law school approved by the American Bar Association." You do not meet this requirement in that the proofs you have submitted show that you were a graduate of and received a degree from NCBL Community College of Law in Chicago which is not an American Bar Association approved law school.

Accordingly, your application is denied. Enclosed is a check in the amount of $150.00 representing a refund of the filing fee which you submitted with your application.

Sincerely,

/s/*Donald H. Funk*
Secretary

DHF;q
Enc.

APPENDIX 2

M.R. 4149
IN THE
SUPREME COURT OF ILLINOIS

In re:

Rosee Torres,
Petitioner.

Petition for reconsideration of the Order of January 29, 1987 for waiver of Rule 703(b) and for permission to write the Illinois bar examination.

ORDER

The cause coming to be heard on the petition of the petitioner, and the court being fully advised in the premises;

IT IS ORDERED that the petition for reconsideration of the Order of the Court of January 29, 1987 for waiver of Rule 703(b) and for permission to write the illinois bar examination is denied.

FILED

MAR 24 1987

SUPREME COURT CLERK

APPENDIX 3

STATE OF ILLINOIS

SUPREME COURT CLERK

SUPREME COURT BUILDING

SPRINGFIELD 62706

JULEANN HORNYAK

CLERK OF THE COURT

(217) 782-2035

FIRST DISTRICT OFFICE

ROOM 30-129

RICHARD J. DALEY CENTER

CHICAGO 60602

(312) 793-1332

December 16, 1986

Ms. Rosee Torres
3430 West Beach Street
Chicago, IL 60651

In re: Rosee Torres, M.R. 4149

Dear Ms. Torres:

This office has today received and filed your petition for waiver of Rule 703(b) and permission to write the Illinois bar examination.

The petition will be referred to the Supreme Court and you will be advised of the action taken thereon.

Very truly yours,

/s/Juleann Hornyak
Clerk of the Supreme Court

JH/dr

RECEIVED
DEC 16 1986
CLERK
SUPREME COURT

APPENDIX 4

No. 4149

IN THE

SUPREME COURT OF ILLINOIS

4149

IN THE MATTER OF THE PETITION OF:
ROSEE TORRES,

Petitioner,

v.

STATE BOARD OF LAW EXAMINERS
OF THE STATE OF ILLINOIS,
and
AMERICAN BAR ASSOCIATION,

Respondents.

PETITION AND COMPLAINT TO REVIEW ADMINISTRATIVE DECISION AND SUPREME COURT RULE 703(b) OF THE STATE BOARD OF LAW EXAMINERS (COUNTS I – III)

FILED
DEC 16 1986
SUPREME COURT CLERK

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APPENDIX 5

No. 4149

IN THE

SUPREME COURT OF ILLINOIS

IN THE MATTER OF THE PETITION OF:
ROSEE TORRES,

Petitioner,

v.

STATE BOARD OF LAW EXAMINERS
OF THE STATE OF ILLINOIS,
and
AMERICAN BAR ASSOCIATION,

Respondents.

SUPPLEMENTAL AND AMENDED PETITION AND COMPLAINT TO REVIEW ADMINISTRATIVE DECISION AND SUPREME COURT RULE 703(b) OF THE STATE BOARD OF LAW EXAMINERS (COUNTS IV – VIII)

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FILED
JAN 2 1987
SUPREME COURT CLERK

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APPENDIX 6

JULEANN HORNYAK
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CHICAGO 60602
(312) 793-1332

STATE OF ILLINOIS

SUPREME COURT CLERK

SUPREME COURT BUILDING

SPRINGFIELD 62706

February 13, 1987

Ms. Rosee Torres
201 North Wells Street
Suite 1206
Chicago, IL 60606

In re: Rosee Torres, M.R. 4149

Dear Ms. Torres: ,

This office has today received and filed your petition for reconsideration of the Order of the Court of January 29, 1987 for waiver of Rule 703(b) and for permission to write the Illinois bar examination.

Pursuant to your request, we are enclosing certified documents concerning your petitions to the Court.

The p;etition for reconsideration will be referred to the Supreme Court and you will be advised of the action taken thereon.

Very truly yours,

/s/Juleann Hornyak
Clerk of the Supreme Court

JH/dr
Enclosure

APPENDIX 7

IN THE

SUPREME COURT OF ILLINOIS

In re:

ROSEE TORRES, *Petitioner.* No. M.R. 4149

PETITION FOR REHEARING/APPEAL OF JANUARY 29, 1987 DENIAL ORDER RE WAIVER OF RULE 703(b) AND FOR PERMISSION TO WRITE ILLINOIS BAR EXAMINATION

NOW COMES the petitioner, ROSEE TORRES, and requests this Honorable Court for a rehearing and/or appeal of the January 29, 1987 Order denying petitioner's request to write the Illinois Bar Examination, and in support thereof, submits as follows:

1. That petitioner has acquired a legal education which is the equivalent of the education received in an ABA approved school, in that although she has received a Juris Doctor degree from a non-ABA accredited law school (Exhibit A attached), she was required to and did complete the courses required of Illinois law students and bar exam hopefuls.

2. That petitioner was an applicant and enrollee/student at NCBL Community School of Law at all times during its accreditation and certification by the State Board of Higher Education by the State of Illinois (1981-1986).

3. That in addition to having graduated from an Illinois State accredited and certified school of higher education, petitioner has fulfilled the following prerequisites to law school admission otherwise prescribed by the Illinois Bar Examiners:

FILED

FEB 13 1987

SUPREME COURT CLERK

APPENDIX 8

STATE OF ILLINOIS

SUPREME COURT CLERK

SUPREME COURT BUILDING

SPRINGFIELD 62706

JULEANN HORNYAK

CLERK OF THE COURT

(217) 782-2035

FIRST DISTRICT OFFICE

ROOM 30-129

RICHARD J. DALEY CENTER

CHICAGO 60602

(312) 793-1332

March 25, 1987

Ms. Rosee Torres
3430 West Beach Street
Chicago, Illinois 60651

In re: Rosee Torres, M.R. 4149

Dear Ms. Torres:

Enclosed please find a copy of an Order entered on March 24, 1987 by the Supreme Court in the above entitled cause.

Very truly yours

/s/Juleann Hornyak
Clerk of the Supreme Court

JH/dr
Enclosure

cc: State Board of Law Examiners

EXHIBITS

Ex. 1-A, 1-B. Letter from Board of Higher Education to Dr. Hammond, NCBL, October 8, 1980, advising accreditation.

Ex 2. Letter from Board of Higher Education to Rosee Torres, February 4, 1987, advising status of accreditation.

Ex. 3-A, 3-B. Statement of the Council, American Bar Association.

Ex. 4. Letter, Clerk of Supreme Court of State of Illinois advising Brandstrader of waiver, January 29, 1981.

Ex. 5. Letter, Clerk of Supreme Court of State of Illinois advising Peterson of waiver, September 21, 1981.

Ex. 6. Letter, State Board of Law Examiners of Illinois advising Whitenhill of denial to write bar examination.

Ex. 7. Letter from Clerk of Supreme Court of State of Illinois advising Whitenhill of waiver, March 19, 1981.

Ex. 8-A. Letter from Clerk of Supreme Court of State of Illinois advising Zukosky of waiver, January 19, 1978.

Ex. 8-B. Order by United States District Court, Eastern District of Pennsylvania re *Murphy* v. *Egan, et al.*, 79-2866.

Ex. 9. Juris Doctor degree to Rosee Torres from NCBL Community College of Law, May 23, 1986.

Ex. 10. Associates in Business Administration in Legal Secretarial Science Degree to Rosee Torres from YMCA Community College, January 29, 1971.

Ex. 11. Bachelor of Arts Degree to Rosee Torres from Roosevelt University, May 14, 1979.

Ex. 12. Member in Good Standing Certificate from National Shorthand Reporters Association, 1972 (Court Reporter).

Ex. 13. Member in Good Standing Certificate from National Shorthand Reporters Association, 1975 (Registered Reporter).

Ex. 14. Diploma to Rosee Torres (Rosa Torres) from Instituto Gabriel Richard, March 21, 1982.

EXHIBIT 1-A

BOARD OF HIGHER EDUCATION

STATE OF ILLINOIS

500 REISCH BUILDING
4 WEST OLD CAPITOL SQUARE
SPRINGFIELD ILLINOIS 62701
(217) 782-2551

WILLIAM B. BROWDER
CHAIRMAN

RICHARD D WAGNER
EXECUTIVE DIRECTOR

October 8. 1980

Mr. David Hammond
President
National Conference of Black Lawyers (NCBL)
Community College of Law and International Diplomacy
4545 South Drexel Boulevard
Chicago, IL 60653

Dear Mr. Hammond:

The Illinois Board of Higher Education, at its regular meeting of October 7, 1980, authorized NCBL Community College of Law and International Diplomacy to grant the following new degree to students who have satisfactorily completed the program described in the degree-granting application:

Doctor of Jurisprudence (J.D.) (HEGIS Code: 1401)

This authorization is given under the authority delegated to the Illinois Board of Higher Education under "An Act Regulating the Granting of Academic Degrees" (Illinois Revised Statutes, 1977,

EXHIBIT 1-B

Chapter 144, Paragraphs 231-241). In order to maintain this degree-granting authority, the institution must:

1. Maintain standards and conditions equal or substantially equivalent to the standards and conditions described in the institution's application.
2. File its current catalog annually with the Board of Higher Education.
3. Comply with sections 7.00 and 8.00 of the Rules to Implement "An Act Regulating Private Colleges" and "An Act Regulating the Granting of Academic Degrees."

I congratulate you on this new degree-granting authority and encourage you to continue to work toward maintaining and enhancing the fine reputation of the diverse private institutions in Illinois.

This letter constitutes official authorization for the National Conference of Black Lawyers (NCBL) Community College of Law and International Diplomacy to award the Doctor of Jurisprudence (J.D.) degree at 4545 South Drexel Boulevard, Chicago, Illinois 60653.

Sincerely,

/s/*Richard D. Wagner*

Richard D. Wagner
Executive Director

cc: Dr. F. William Kelley, Jr.

RDW:njw

EXHIBIT 2

500 REISCH BUILDING
4 WEST OLD CAPITOL SQUARE
SPRINGFIELD ILLINOIS 62701
(217) 782-2551

WILLIAM B. BROWDER
CHAIRMAN

RICHARD D. WAGNER
EXECUTIVE DIRECTOR

BOARD OF HIGHER EDUCATION
STATE OF ILLINOIS

February 4, 1987

Ms. Rosee Torres
201 North Wells Street
Suite 1206
Chicago, IL 60606

Dear Ms. Torres:

Please find enclosed a copy of the official notification from Dr. Joseph M. Cronin, State Superintendent of Education, granting operating authority to the Fred Hampton Community College of Law and International Diplomacy on June 16, 1976. Also enclosed is a letter from Dr. Richard D. Wagner, Executive Director of the Illinois Board of Higher Education notifying the National Conference of Black Lawyers (NCBL) Community College of Law and International Diplomacy authority to grant the Doctor of Jurisprudence (J.D.) based upon official Board action on October 7, 1980.

If you have further questions, please contact me.

Sincerely,

/s/F. William Kelley, Jr.
F. William Kelley, Jr.
Associate Director
Academic and Health Affairs

Enclosures

STATEMENT OF THE COUNCIL, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, AMERICAN BAR ASSOCIATION, THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS, AND THE BOARD OF MANAGERS OF THE NATIONAL CONFERENCE OF BAR EXAMINERS CONCERNING THE PROPRIETY OF EXAMINATION BY PUBLIC AUTHORITY BEFORE ADMISSION TO PRACTICE

July, 1971

A half century ago the American Bar Association adopted standards for legal education, the second of which is as follows:

> "The American Bar Association is of the opinion that graduation from a law school should not confer the right of admission to the bar, and that every candidate should be subject to an examination by public authority to determine his fitness."

The criticism of bar examinations, which is daily becoming more prevalent, makes it most appropriate for the Council of the Section of Legal Education and Admissions to the Bar and the Board of Managers of the National Conference of Bar Examiners to state their opinion on the matter of the so-called Diploma Privilege.

It is the position of the Council and Board that the above-quoted standard, adopted in 1921, is as valid today – perhaps more so with the mobility of law graduates – as it was at the time and that every applicant for admission to the bar should be subject to examination by public authority.

Very great progress has taken place in the caliber of legal education in the fifty years intervening since 1921. In part the improvement in legal education has been the result of experimentation in teaching techniques. Not all such experiments have proved successful. Public authority should not dictate teaching techniques but it should make sure that all applicants have the training necessary to adequately serve the public upon their admission.

Not only are law schools quite properly experimenting in teaching techniques but they are experimenting in curriculum content. Again, public authority should not dictate curriculum content but by examination should determine that the content of the applicant's education is such that upon admission he will be able to adequately serve the public. In one of the jurisdictions where graduates of certain law schools are admitted without examination, the Court found it necessary to a certain extent to dictate the curriculum content of those schools – an unfortunate limitation on the educational freedom of these schools.

Bar examinations themselves serve additional functions. They encourage law graduates to study subjects not taken in law school. They require the applicant to review all he has learned in law school with a result that he is made to realize the interrelation of the various divisions of the law – to view the separate subject courses which he took in law school as a related whole. This the curriculum of most law schools does not achieve. Also it is the first time many of the applicants will have been examined by persons other than those who taught them, a valuable experience in preparation for appearing before a completely strange judge.

To reiterate, it is the position of the Council and the Board of Managers that there must be examination by public authority. This is not to say that public authority must not be very careful in its examination procedure to make sure that it is fulfilling its responsibilities. It should continually strive to make its methods of examination more effective so that the results will be the non-discriminatory admission of none not qualified and the exclusion of none qualified, even though this requires the use of innovative examining techniques and constant consideration of the ever changing needs of our society. The necessity to train lawyers to represent all members of society is a continual challenge to teachers of law and legal education. To test this properly the examining authority can perform effectively and satisfactorily only if it makes responsive changes in its techniques.

EXHIBIT 3-A

EXHIBIT 3-B

POLICY OF THE COUNCIL, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, AMERICAN BAR ASSOCIATION OPPOSING POSTPONEMENT OF GRADUATION UNTIL LAW SCHOOL HAS RECEIVED ABA APPROVAL

The Council of the Section of Legal Education and Admissions to the Bar, at its December 6-7, 1980 meeting, upon recommendation of the Section's Bar Admissions Committee, adopted the following resolution:

WHEREAS, most state supreme courts require graduation from an ABA-approved law school as a requisite for bar admission in order to assure the public that persons representing them in legal matters have received a quality legal education, and

WHEREAS, some individuals begin and complete substantially all of their legal education at unapproved law schools, which law schools have been inspected for possible ABA provisional approval but are found not to meet the ABA Standards during the time of such attendance, and these individuals may then delay their formal graduation until after the law school has received ABA provisional approval, and

WHEREAS, some law schools receiving ABA provisional approval have permitted students to delay their graduation until ABA approval was received and have then awarded such students degrees dated subsequent to receipt of ABA provisional approval,

THEREFORE, the Council of the Section of Legal Education and Admissions to the Bar hereby adopts a policy disapproving this practice, and requests that all provisionally approved law schools, all law schools seeking provisional approval, all law school inspectors and all state bar admitting authorities be notified of this policy.

EXHIBIT 4

OFFICE OF
CLERK OF THE SUPREME COURT
STATE OF ILLINOIS
SPRINGFIELD
62706

January 29, 1981

Mr. Herman G. Bodewes
Attorney at Law
525 West Jefferson Street, Suite 100
P.O. Box 2117
Springfield, IL 62705

In re: Thomas C. Brandstrader,
petitioner, M.R. 2435

Dear Mr. Bodewes:

The Supreme Court today ALLOWED the motion by Thomas C. Brandstrader that the order entered March 13, 1980, be vacated; for waiver of Rule 703(b) and for permission to write the Illinois State Bar Examination.

By a copy of this letter, we are notifying Mr. John B. Hendricks, Secretary-Treasurer of the State Board of Law Examiners, of the disposition made, and Mr. Brandstrader will receive further communications directly from him.

Very truly yours,

Clerk of the Supreme Court

CLW:gn

cc: Mr. Thomas C. Brandstrader
1649 Touhy
Chicago, Il 60626

Mr. John B. Hendricks
State Board of Law Examiners
Springfield, IL

COPY

EXHIBIT 5

CLELL L. WOODS
CLERK

TELEPHONE
AREA CODE 217
782-2035

STATE OF ILLINOIS

OFFICE OF

CLERK OF THE SUPREME COURT

SPRINGFIELD

62706

September 21, 1978

Mr. Mark F. Peterson
737 Jackson Street
Carpentersville, IL 60110

In re: Mark F. Peterson,
petitioner, M.R. 2222

Dear Mr. Peterson:

The Supreme Court today ALLOWED your motion for permission to write the Illinois Bar Examination.

By a copy of this letter, we are notifying Mr. John B. Hendricks, Secretary-Treasurer of the State Board of Law Examiners, of the disposition made, and you will receive further communications directly from him.

Very truly yours,

/s/Clell L. Woods
Clell L. Woods
Clerk of the Supreme Court

CLW:gn

cc: Mr. John B. Hendricks
State Board of Law Examiners
Springfield, IL

EXHIBIT 6

Members of the Board
Leo Young Smith, President, Chicago
Fayne O. Bowles, Jr., Chicago
Francis D. Morrissey, Chicago
George B. Lee, Harrisburg
John B. Hendricks, Sec.-Treas., Springfield

John B. Hendricks, Sec.-Treas.
612 Middlebury Bank Building
Springfield, Illinois 62706
Telephone 522-5917

State Board of Law Examiners
State of Illinois

May 25, 1978

Mr. Roger Whitenhill
790 East 100th Place
Chicago, IL 60628

Dear Mr. Whitenhill:

We have received an application from you to write the July, 1978 bar examination. However, we note from your application card that you have completed your study at Western State Law School in California, which is not an American Bar Association approved law school.

We enclose a copy of the Rules governing admission to the bar of Illinois, and refer you to Rule 703(b). Since it is a specific requirement of the Rule that you have a first degree in law from a school approved by the ABA we must deny your application to write the examination in Illinois.

We return herewith your check no. 58 dated May 12, 1978 in the amount of $75.00.

Very truly yours,

/s/*John B. Hendricks*
Secretary

JBH:q

Enc.

EXHIBIT 7

CLELL L. WOODS
CLERK

TELEPHONE
AREA CODE 217
782-2035

STATE OF ILLINOIS

OFFICE OF

CLERK OF THE SUPREME COURT

SPRINGFIELD

62706

March 19, 1981

Mr. Roger Whitenhill
790 East 100th Place
Chicago, IL 60628

In re: Roger Whitenhill—
petitioner, M.R. 2335

Dear Mr. Whitenhill:

The Supreme Court today ALLOWED your motion for waiver of Rule 703(b) and for permission to write the Illinois Bar Examination.

By a copy of this letter, we are notifying Mr. John B. Hendricks, Secretary-Treasurer of the State Board of Law Examiners, of the disposition made, and you will receive further communications directly from him.

Very truly yours,

/s/*Clell L. Woods*
Clell L. Woods
Clerk of the Supreme Court

CLW:gn

cc: Mr. John B. Hendricks
State Board of Law Examiners
Springfield, IL

EXHIBIT 8-A

CLELL L. WOODS
CLERK

TELEPHONE
AREA CODE 217
782-2035

STATE OF ILLINOIS

OFFICE OF

CLERK OF THE SUPREME COURT

SPRINGFIELD

62706

January 19, 1978

Mr. William Curtis Zukosky
P.O. Box 217
Wenona, Illinois 61377

In re: William Curtis Zukosky,
petitioner, M.R. 1921

Dear Mr. Zukosky:

The Supreme Court today ALLOWED your motion for permission to write the Illinois Bar Examination.

By a copy of this letter, we are notifying Mr. John B. Hendricks, Secretary-Treasurer of the State Board of Law Examiners, of the disposition made, and you will receive further communications directly from him.

Very truly yours,

/s/*Clell L. Woods*
Clell L. Woods
Clerk of the Supreme Court

CLW:gn

cc: Mr. John B. Hendricks
State Board of Law Examiners
Springfield, IL

EXHIBIT 8-B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD M. MURPHY *v.* MICHAEL J. EGAN, *and* HENRY X. O'BRIEN, *and* SAMUEL J. ROBERTS, *and* ROBERT N. C. NIX, *and* LOUIS L. MANDERINO, *and* ROLF LARSON, *and* JOHN P. FLAHERTY.	CIVIL ACTION No. 79-2866

ORDER

Plaintiff's motion for summary judgment is GRANTED.

Defendant's motion to dismiss is DENIED.

Defendants are to issue appropriate standards and guidelines to govern the grant or denial of waivers of the requirement that applicants for admission to the bar in Pennsylvania be graduates of ABA accredited law schools.

IT IS SO ORDERED.

(Handwritten) *Judgment is entered in favor of the Plaintiff and against the defendants.*

/s/Charles R. Weiner

Charles R. Weiner

NCBL Community College of Law and International Diplomacy

on recommendation of the Board of Directors

and on the approval of the Faculty

do hereby confer upon

ROSEE TORRES

who has satisfactorily completed the required course of study

appropriate for this distinction

the Degree of

Juris Doctor

together with all the rights, privileges and honors which appertain thereto.

In witness whereof the President of the College of Law and the Dean and Chairman of the Board have hereunto set their hands and affixed the Seal of the College of Law at Chicago, Illinois, May 23, 1986.

President

N.C.B.L. COMMUNITY COLLEGE OF LAW AND INTERNATIONAL DIPLOMACY

Chairman

Dean

EXHIBIT 9

Central YMCA Community College

Chicago

The Board of Directors by virtue of the authority vested in them, and upon recommendation of the Faculty have conferred on

Rosce Torres

the title of

Associate in Business Administration in Legal Secretarial Science

and have granted this Diploma as evidence thereof

Chicago, Illinois, January 29, 1971

John Waddell
Chairman, Board of Directors

President

Registrar

CENTRAL YMCA COMMUNITY COLLEGE 1960 PLUS OMNIBUS CHICAGO

Dean

EXHIBIT 10

Roosevelt University

The Trustees of the University, by virtue of the authority vested in them, and upon recommendation of the Faculty, have conferred on

Rosee Torres

the degree of

Bachelor of Arts

and have granted this diploma as evidence thereof.

Given at Chicago, Illinois, this fourteenth day of May, 1979.

Chairman, Board of Trustees

Associate Dean, Admissions and Records

Dean, College of Arts & Sciences

President

EXHIBIT 11

NATIONAL SHORTHAND REPORTERS ASSOCIATION

FOUNDED 1899

THIS CERTIFIES THAT

ROSEE TORRES CSR

IS A MEMBER IN GOOD STANDING OF THIS ASSOCIATION FOR THE CALENDAR YEAR

1972

EXECUTIVE SECRETARY

PRESIDENT

EXHIBIT 12

National Shorthand Reporters Association

FOUNDED 1899

THIS CERTIFIES THAT

Roger Torres

HAVING SATISFIED THE REQUIREMENTS OF THIS ASSOCIATION
IS HEREBY RECOGNIZED AS A

REGISTERED PROFESSIONAL REPORTER

AND IS A PROFESSIONAL MEMBER
IN GOOD STANDING THROUGH DECEMBER 31

July 1, 1973

EXECUTIVE DIRECTOR

PRESIDENT

EXHIBIT 13

EXHIBIT 14

Instituto Gabriel Richard

Este Diploma se confiere a

Rosa Torres

por haber completado con éxito el

Curso de Liderazgo Cristóforo

Dado en la ciudad de Chicago
el día 21 de Marzo de 1982

Cecilia Arzallin — Director

Fr. J. Brunel — Director